REMARKS

Claims 23-28 and 33 have been amended. No claims have been canceled, and no new claims have been added. Claims 1-6, 11-17, 22-28 and 33 are pending.

Disclaimers Relating to Interpretation and Prosecution History Estoppel

Claims have been amended, notwithstanding the belief that these claims were allowable. Except as specifically admitted below, no claim elements have been narrowed. Rather, cosmetic amendments have been made to the claims and to broaden them in view of the cited art. Claims have been amended solely for the purpose of expediting the patent application process, and the amendments were not necessary for patentability.

The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

Claim Rejections - 35 USC § 101

The Examiner rejected claims 23-28 and 33 under 35 USC § 101 as directed to non-statutory subject matter. Claims 23-28 and 33 have been amended to recite patentable subject matter, namely a client computer. As such, this rejection should be withdrawn.

Rejections - 35 USC § 103

The Examiner rejected claims 1-6, 11-17, 22-28 and 33 under 35 USC § 103 as obvious from Mattaway et al. (US 6,275,490 B1) and Maes et al (US 7,092,496 B1). This rejection is respectfully traversed.

The independent claims are claims 1, 12, 23.

Claim 1 and 12 recite, among other limitations,

> packaging an object corresponding to the identified telephone number, wherein
>
> the object is defined such that the telephone number is activatable
>
> the object defines a function for sending a data trigger to a switch over a data network to initiate a telephone call over a telephone network between a first telephone corresponding to a telephone number associated with the user of the client computer and a second telephone corresponding to the identified telephone number, wherein the first telephone and the second telephone are separate and distinct from each other and are separate and distinct from the client computer

The Office Action asserts that this limitation from Claims 1 and 12 is taught by Mattaway in part at col. 3, line 47- col. 4, line 15. However, this portion of Mattaway teaches that

> "address information ... is transmitted to the user of a web browser or other software application and utilized by a computer telephony application executing locally on the user system to establish a direct-to-point communication from the user to the destination indicated in the address information.

However, there is no teaching in Mattaway that an "object defines a function for sending a data trigger to a switch over a data network to initiate a telephone call over a telephone network" wherein the telephone call is "over a telephone network". There is no teaching in Mattaway that the telephone call is "between a first telephone corresponding to a telephone number associated with the user of the client computer and a second telephone corresponding to the identified telephone number". There is no teaching in Mattaway that "the first telephone and the second telephone are separate and distinct from each other and are separate and distinct from the client computer" as claimed.

Reviewing the constituent parts of the quoted limitations in view of Mattaway shows that there is no teaching in Mattaway of "a telephone call over a telephone network between a first telephone corresponding to a telephone number associated with the user of the client computer and a second telephone corresponding to the identified telephone number". Quite simply, the cited portions of Mattaway teach an IP telephony call over a data network, in whole or in part. Mattaway explains this at various locations, including, at col. 8, lines 1-4 where it is taught that upon "receipt of the located IP address from the connection server, the calling party's WebPhone client initiates a direct point-to-point communication link with the callee party by sending a call packet directly to the IP address of the callee party". Mattaway does not teach the claimed "telephone call over a telephone network". This is further made clear by the next action taken in Mattaway, "The callee party either accepts or rejects the call with the appropriate response packets". Mattaway, col. 8, lines 5-6. As such, the teachings in Mattaway are of a data network or IP telephony call being established between two users. There is no teaching of "**a telephone call over a telephone network** between a first telephone corresponding to a telephone number associated with the user of the client computer and a second telephone corresponding to the identified telephone number".

Specifically, claims 1 and 12 recite "a first telephone corresponding to a telephone number associated with a user of the client computer and a second telephone corresponding to the identified telephone number, wherein the first telephone and the second telephone are separate and distinct from each other and are separate and distinct from the client computer". There is no teaching in Mattaway of a telephone call between "a first telephone corresponding to a telephone number associated with a user of the client computer and a second telephone corresponding to the identified telephone number, wherein the first telephone and the second telephone are separate and distinct from each other and are separate and distinct from the client computer".

Mattaway teaches an IP telephony system in which, in one embodiment, two users on two computers establish a telephone call over a data network or combination of data network and telephone network with each other. Mattaway, col. 7, lines 42-67. That Mattaway discloses

telephone handsets does not change the teaching in Mattaway that a call to a callee is fully or in part over a data network. That FIGS. 2A and 2B of Mattaway show multiple phones and multiple computers as well as servers and switches does not in any way teach "a first telephone corresponding to a telephone number associated with a user of the client computer and a second telephone corresponding to the identified telephone number, wherein the first telephone and the second telephone are separate and distinct from each other and are separate and distinct from the client computer".

This is particularly so in the cited portions of Mattaway which do not recite telephone numbers. The cited portions of Mattaway describe a system that functions based on callee "address information" in the form of the "callee party's E-mail address" and a corresponding IP address. Mattaway, col. 7, lines 42-67.

However, portions of Mattaway disclose that the address information may be a telephone number of a callee. Mattaway, col. 9, lines 36-39 and col. 10, lines 45-61. Even when a telephone number is used to identify a callee, there is no teaching in Mattaway of a caller being identified by a telephone number. In Mattaway, the WebPhone client may be a caller, a callee or both. See Mattaway, col. 7, lines 42-43. When in Mattaway the WebPhone client is used on the caller side only with the WebPhone client being the caller, in this embodiment there is only a single telephone number used, namely that of the callee. See Mattaway, col. 10, lines 45-61 As such, Mattaway does not teach "a first telephone corresponding to a telephone number associated with a user of the client computer and a second telephone corresponding to the identified telephone number, wherein the first telephone and the second telephone are separate and distinct from each other and are separate and distinct from the client computer" as claimed.

Moreover, Mattaway teaches in this embodiment that the telephone call goes through a gateway between an IP or packet switched network (aka a data network) and a circuit-switched network (aka a telephone network). That is, a call is made between a caller using a WebPhone client

and a callee at a telephone number through a gateway that translates between the data and telephone networks. Mattaway, col. 10, lines 45-61 and col. 11, lines 1-16. As such, there is no teaching in Mattaway of "a telephone call over a telephone network between a first telephone corresponding to a telephone number associated with the user of the client computer and a second telephone corresponding to the identified telephone number" as claimed.

Claims 1 and 12 recite "a first telephone corresponding to a telephone number associated with a user of the client computer". There is no teaching of "a first telephone corresponding to a telephone number associated with a user of the client computer" in Mattaway because Mattaway is limited to a WebPhone client being the caller, or at least one of the caller or callee. See Mattaway, col. 7, lines 42-67 and col. 10, lines 45-61.

In addition, claims 1 and 12 recite that "the object defines a function for sending a data trigger to a switch over a data network to initiate a telephone call over a telephone network between a first telephone corresponding to a telephone number associated with the user of the client computer and a second telephone corresponding to the identified telephone number". In Mattaway there is no teaching of sending the claimed "data trigger". The Office Action fails to explain what teaching of Mattaway discloses a "data trigger" that is used to "to initiate a telephone call over a telephone network between a first telephone corresponding to a telephone number associated with the user of the client computer and a second telephone corresponding to the identified telephone number". As such, the Office Action fails to assert a *prima facie* case of obviousness. A new non-final Office Action is hereby requested directing us to where the Examiner is asserting that the claimed "data trigger" is asserted to be taught by Mattaway.

Nonetheless, we assert that Mattaway fails to teach or suggest the claimed "data trigger" limitation. There is no "data trigger" of any kind taught in Mattaway. Mattaway is limited to transmitting request packets to a server and using a gateway to bridge between an IP network and a traditional telephone network. Mattaway col. 7, line 42 – col. 8, line 4 and col. 10, line 45 – col. 11,

line 16. Although Mattaway teaches that information is passed from a browser to a WebPhone client application, and although Mattaway teaches that requests are made to servers, and although Mattaway teaches that communications are sent through a gateway, there is no teaching in Mattaway of an object with a "data trigger" as claimed. There is no teaching in Mattaway of objects that "define a function sending a data trigger to a switch to initiate a telephone call between the first telephone and one of the second telephones" as claimed. Because Mattaway fails to teach the claimed "data trigger", claims 1 and 12 are patentable over Mattaway.

Claim 23 recites, among other limitations,

> package a phone number object corresponding to the identified telephone number, wherein the object is defined such that the telephone number is activatable and the object defines a function for sending a data trigger to a switch over a data network to initiate a telephone call over a telephone network between a first telephone corresponding to a telephone number associated with a user of the client computer and a second telephone corresponding to the identified telephone number, wherein the first telephone and the second telephone are separate and distinct from each other and are separate and distinct from the client computer

To the extent claim 23 recites limitations similar to those recited in claims 1 and 12, the above arguments concerning claims 1 and 12 apply to claim 23.

Maes fails to cure the deficiencies of Mattaway.

Because the combination of Mattaway and Maes fails to teach all of the claimed limitations, claims 1, 12 and 23 are patentable over Mattaway and Maes.

The dependent claims are patentable over the cited references by virtue of their dependence on the independent claims which have been shown to be patentable above.

Therefore, all claims are patentable over the cited references, and this application should proceed to allowance.

Conclusion

It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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